



PATENT

Atty. Docket No.: 2931(203-3624)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Reschke et al.

Examiner: Not Assigned

Serial No.: 10/718,113

Group: Art Unit Not Assigned

Filed: November 20, 2003

Dated: February 17, 2004

For: ELECTROSURGICAL PENCIL WITH IMPROVED CONTROLS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. It is respectfully submitted that copies of the references listed on pages 1-5 are not required since this application was filed after June 30, 2003 pursuant to 51 C.F.R. 1.98. Copies of foreign references and publications listed on page 6 of form PTO-1449 are enclosed.

Applicant would also like to bring commonly-owned International Application Serial No. PCT/US03/22900 filed on July 23, 2003 U.S. Application Serial No. 10/251,606 filed on September 20, 2002; U.S. Application Serial No. 10/701,796 filed on November 15, 2003; U.S. Application Serial No. 60/533,695 filed on December 29, 2003; U.S. Application Serial No. 29/193,706 filed on November 13, 2003; and U. S. Application Serial No. 10/716,776 filed on November 19, 2003 to the Examiner's attention. Copies of these applications are enclosed.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 17, 2004.

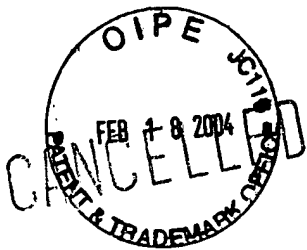
Dated: February 17, 2004


Edward C. Meagher

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ☒ This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ☐ This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application.
- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action on the merits in connection with this case.
- ☐ Enclosed herewith is a certificate under 37 C.F.R. §1.97(e)(1).
- ☐ Enclosed herewith is a petition under 37 C.F.R. §1.97(d)(ii).
 - ☐ Enclosed by check is the petition fee of \$130.00. (37 C.F.R. §1.17(i)(1))
 - ☐ Please charge the \$130.00 petition fee to Deposit Account No. 50-2140.
- ☐ Enclosed by check is the \$180.00 fee required by 37 C.F.R. §1.17(p).



- ☐ Please charge the \$180.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 50-2140.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 50-2140 therefor.

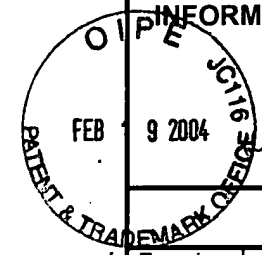
TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

Edward C. Meagher
Reg. No. 41,189
Attorney for Applicant(s)

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road
Suite 225
Melville, New York 11747
Tel.: (631) 501-5700
Fax: (631) 501-3526
ECM/gm



without references

Sheet

1 of

6

FD-10-1449

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

Use several sheets if necessary)

Docket Number (Optional)
2931 (203-3624)

Application Number
10/718,113

Applicant
Reschke et al.

Filing Date
11/20/2003

Group Art Number

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	3,460,539	8/12/69	ANHALT, SR.			
	3,825,004	7/23/74	DURDEN, III.			
	3,828,780	8/13/74	MORRISON, JR.			
	3,902,494	9/2/75	HABERLEN ET AL.			
	3,906,955	9/23/75	ROBERTS			
	3,967,084	6/29/76	POUNDS			
	3,974,833	8/17/76	DURDEN, III.			
	4,032,738	6/28/77	ESTY ET AL.			
	4,232,676	11/11/80	HERCZOG			
	4,314,559	2/9/82	ALLEN			
	4,427,006	1/24/84	NOTTKE			
	4,459,443	7/10/84	LEWANDOWSKI			
	4,463,234	7/31/84	BENNEWITZ			
	4,463,759	8/7/84	GARITO ET AL.			
	4,492,231	1/8/85	AUTH			
	4,562,838	1/7/86	WALKER			
	4,625,723	12/2/86	ALTNETHER ET AL.			
	4,640,279	2/3/87	BEARD			
	4,642,128	2/10/87	SOLORZANO			
	4,657,016	4/14/87	GARITO ET AL.			
	4,683,884	8/4/87	HATFIELD ET AL.			
	4,701,193	10/20/87	ROBERTSON ET AL.			
	4,735,603	4/5/88	GOODSON ET AL.			
	4,754,754	7/5/88	GARITO ET AL.			
	4,785,807	11/22/88	BLANCH			
	4,827,911	5/9/89	BROADWIN ET AL.			
	4,846,790	7/11/89	HORNLEIN ET AL.			
	4,850,353	7/25/89	STASZ ET AL.			

Examiner

Date Considered

Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number (Optional) 2931 (203-3624)	Application Number 10/718,113
	Applicant Reschke et al.	
	Filing Date 11/20/2003	Group Art Number

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	4,862,890	9/5/89	STASZ ET AL.			
	4,869,715	9/26/89	SHERBURNE			
	4,886,060	12/12/89	WIKSELL			
	4,901,719	2/20/90	TRENCONSKY ET AL.			
	4,909,249	3/20/90	AKKAS ET AL.			
	4,911,159	3/27/90	JOHNSON ET AL.			
	4,916,275	4/10/90	ALMOND			
	4,921,476	5/1/90	WUCHINICH			
	4,931,047	6/5/90	BROADWIN ET AL.			
	4,986,839	1/22/91	WERTZ ET AL.			
	4,988,334	1/29/91	HORNLEIN ET AL.			
	5,015,227	5/14/91	BROADWIN ET AL.			
	5,026,368	6/25/91	ADAIR			
	5,055,100	10/8/91	OLSEN			
	5,071,418	12/10/91	ROSENBAUM			
	5,076,276	12/31/91	SAKURAI ET AL.			
	5,088,997	2/18/92	DELAHUERGA ET AL.			
	5,098,430	3/24/92	FLEENOR			
	5,100,402	3/31/92	FAN			
	5,133,714	7/28/92	BEANE			
	5,147,292	9/15/92	KULLAS ET AL.			
	5,160,334	11/3/92	BILLINGS ET AL.			
	5,162,044	11/10/92	GAHN ET AL.			
	5,178,605	1/12/93	IMONTI			
	5,190,517	3/2/93	ZIEVE ET AL.			
	5,192,267	3/9/93	SHAPIRA ET AL.			
	5,195,959	3/23/93	SMITH			
	5,196,007	3/23/93	ELLMAN ET AL.			

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	5,197,962	3/30/93	SANSOM ET AL.			
	5,199,944	4/6/93	COSMESCU			
	5,217,457	6/8/93	DELAHUERGA ET AL.			
	5,224,944	7/6/93	ELLIOTT			
	5,226,904	7/13/93	GENTELIA ET AL.			
	5,233,515	8/3/93	COSMAN			
	5,234,428	8/10/93	KAUFMAN			
	5,242,442	9/7/93	HIRSCHFELD			
	5,244,462	9/14/93	DELAHUERGA ET AL.			
	5,254,082	10/19/93	TAKASE			
	5,256,138	10/26/93	BUREK ET AL.			
	5,269,781	12/14/93	HEWELL, III.			
	5,304,763	4/19/94	ELLMAN ET AL.			
	5,306,238	4/26/94	FLEENOR			
	5,312,329	5/17/94	BEATY ET AL.			
	5,318,516	6/7/94	COSMESCU			
	5,318,565	6/7/94	KURILOFF ET AL.			
	5,334,183	8/2/94	WUCHINICH			
	5,342,356	8/30/94	ELLMAN ET AL.			
	5,376,089	12/27/94	SMITH			
	5,380,320	1/10/95	MORRIS			
	5,382,247	1/17/95	CIMINO ET AL.			
	5,395,363	3/7/95	BILLINGS ET AL.			
	5,399,823	3/21/95	MCCUSKER			
	5,401,273	3/28/95	SHIPPERT			

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	5,403,882	4/4/95	HUGGINS			
	5,406,945	4/18/95	RIAZZI ET AL.			
	5,409,484	4/25/95	ERLICH ET AL.			
	5,413,575	5/9/95	HAENGGI			
	5,421,829	6/6/95	OLICHNEY ET AL.			
	5,431,650	7/11/95	COSMESCU			
	5,451,222	9/19/95	DE MAAGD ET AL.			
	5,460,602	10/24/95	SHAPIRA			
	5,462,522	10/31/95	SAKURAI ET AL.			
	5,484,398	1/16/96	STODDARD			
	5,486,162	1/23/96	BRUMBACH			
	5,498,654	3/12/96	SHIMASAKI ET AL.			
	5,531,722	7/2/96	VAN HALE			
	5,549,604	8/27/96	SUTCU ET AL.			
	5,601,224	2/11/97	BISHOP ET AL.			
	5,634,912	6/3/97	INJEV			
	5,643,256	7/1/97	URUETA			
	5,669,907	9/23/97	PLATT, JR. ET AL.			
	5,693,050	12/2/97	SPEISER			
	5,693,052	12/2/97	WEAVER			
	5,697,926	12/16/97	WEAVER			
	5,702,360	12/30/97	DIERAS ET AL.			
	5,702,387	12/30/97	ARTS ET AL.			
	5,713,895	2/3/98	LONTINE ET AL.			
	5,720,745	2/24/98	FARIN ET AL.			

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U.S. PATENT DOCUMENTS						
Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	5,765,418	6/16/98	ROSENBERG			
	5,776,092	7/7/98	FARIN ET AL.			
	5,797,907	8/25/98	CLEMENT			
	5,836,897	11/17/98	SAKURAI ET AL.			
	5,843,109	12/1/98	MEHTA ET AL.			
	5,868,768	2/9/99	WICHESKI ET AL.			
	5,893,862	4/13/99	PRATT ET AL.			
	5,941,887	8/24/99	STEEN ET AL.			
	5,944,737	8/31/99	TSONTON ET AL.			
	5,951,581	9/14/99	SAADAT ET AL.			
	5,972,007	10/26/99	SHEFFIELD ET AL.			
	6,004,318	12/21/99	GARITO ET AL.			
	6,004,333	12/21/99	SHEFFIELD ET AL.			
	6,063,050	5/16/00	MANNA ET AL.			
	6,070,444	6/6/00	LONTINE ET AL.			
	6,099,525	8/8/00	COSMESCU			
	6,117,134	9/12/00	CUNNINGHAM ET AL.			
	6,139,547	10/31/00	LONTINE ET AL.			
	6,142,995	11/7/00	COSMESCU			
	6,146,353	11/14/00	PLATT, JR.			
	6,213,999	4/10/01	PLATT, JR. ET AL.			
	6,251,110	6/26/01	WAMPLER			
	6,257,241	7/10/01	WAMPLER			
	6,258,088	7/10/01	TZONEV ET AL.			
	6,287,344	9/11/01	WAMPLER ET AL.			
	6,312,441	11/6/01	DENG			
	6,358,281	3/19/02	BERRANG ET AL.			
	6,361,532	3/26/02	BUREK			
	6,402,748	6/11/02	SCHOENMAN ET AL.			
	D330,253	10/13/92	BUREK			
	D441,077	4/24/01	GARITO ET AL.			
	D453,222	1/29/02	GARITO ET AL.			
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		Filing Date 11/20/2003		Group Art Number		
FOREIGN PATENT DOCUMENTS						
	Document Number	Date	Country	Class	Subclass	Translation Yes No
	2235669	1/31/75	FR			
	WO94/20032	9/15/94	PCT			
	EP1050277	11/8/00	GARITO ET AL.			
	EP1050279	11/8/00	GARITO ET AL.			
	EP1082945	3/14/01	ELLMAN ET AL.			
	EP1293171	3/19/03	ELLMAN ET AL.			
OTHER DOCUMENTS						
	Jaime M. Vasquez, et al.; SURGICAL TECHNOLOGY INTERNATIONAL VII; <i>Techniques of Treatment of Peritoneal Endometriosis: The Cavitational Ultrasonic Surgical Aspirator</i> ;					
Examiner				Date Considered		
Examiner: Initial if citation considered, whether or nor citation is in conformance with MPEP §609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.						